THE HONOURABLE SRI BILAL NAZAKI

THE ACTING CHIEF JUSTICE

AND

THE HONOURABLE SRI JUSTICE

R.SUBHASH REDDY

-

WRIT APPEAL No. 2261 OF 2005

Dated 22nd November, 2005

Between:

Namburi Dr. Mukherjee Victor

… Appellant

And

Namburi Sarojini and others. … Respondents.

ORAL JUDGMENT:

(per Honourable Sri Bilal Nazki, the Acting Chief Justice)

Heard learned counsel for parties.

Respondent No.1 filed a Writ Petition being W.P.No. 15654 of 2005 seeking a direction to APSPDC Limited to provide fresh connection to her. The Writ Petition was disposed of after hearing the learned counsel for the petitioner and also the learned counsel for respondents 1 and 2 in the writ petition. 3rd respondent was not before the court. The court directed the other respondents to consider grant of fresh connection within a week. The grievance of the appellant is that 3rd respondent in the writ petition was his mother and she had died before the writ petition was filed. The present appellant has interest in the property and is the owner of the property. Therefore, the order of learned Judge cannot sustain because the appellant could not get a chance to put forth his case before the Court. Admittedly, the death of respondent No.3 in the writ petition before filing of the writ petition is not disputed. As

a matter of fact, the learned counsel for the writ petitioner submitted that it was a clerical mistake that her name was incorporated in the cause title. In this view of the matter, we set aside the order passed by the learned Single Judge, remand the matter back to the learned Single Judge and allow the present appellant to be made as 3rd respondent in the writ petition, who may file the counter within two weeks. Thereafter, the Writ Petition be listed before the learned Single Judge for appropriate orders. In the mean time, status quo existing as on today shall continue till the learned Judge passes an order.

The Writ Appeal is allowed. No costs.

_____

(BILAL NAZKI, ACJ.)

22-11-2005.

_____

(R.SUBHASH REDDY,J)

VR.